



## DECISION MEMO

### Lower East Fork Potlatch River Large Woody Debris Project

USDA Forest Service, Northern Region  
Nez Perce – Clearwater National Forests  
Palouse Ranger District  
Latah County, Idaho



#### I. Introduction

After having reviewed relevant data, analyses, and public comments relating to this proposal, I have decided to construct approximately 12 Post Assisted Log Structures (PALS) in the East Fork Potlatch River in the Nez Perce-Clearwater National Forests, Latah County, Idaho. The Project area is located in T40N, R1W, Sections 23 and 24, Boise Meridian. (See attached maps).

#### II. Purpose and Need

The Purpose of the project is to rehabilitate in-stream habitat in the East Fork Potlatch River (East Fork) which was adversely modified by a road built in the 1940s to haul logs to Bovill, ID. The historic channel was laterally displaced and scoured with bulldozers to build the road and clear the river for log drives. Nearly all river complexity and in-stream habitat structure was removed, and the river has not had time to restore itself naturally. The road (approximately 0.5 miles) is now a vegetation-covered berm along the south side of the river that follows the East Fork off and on to at least the Two-Mile Meadow area.

Idaho Department of Fish and Game (IDFG) research has shown that the most significant limiting factor for steelhead, a federally Threatened species, in the East Fork is the low density of large woody debris (LWD). LWD is critical for pool development, collecting spawning gravels, promoting habitat diversity and in-stream complexity, and providing cover for steelhead and other salmonids, especially over-wintering juveniles. The addition of the LWD structures will contribute to the IDFG's goal of enhancing 25% of the core distribution of steelhead in the East Fork. To date, over four miles of steelhead habitat (primarily on private land) within the East Fork has or is planned to receive LWD treatments.

The project is needed to meet the following Clearwater National Forest Plan (Plan) goals, objectives and standards:

Threatened and Endangered Species goal (Plan, p. II-2): Manage habitat to contribute to recovery of each threatened and endangered species occurring on the Forest.

Fisheries goal (Plan, p. II-2): Manage the Forest's fishery streams to achieve optimum levels of fish production by: (2) rehabilitating and improving degraded streams...

Water Quality and Soil goal (Plan, p. II-3): Manage watersheds, soil resources, and streams... to protect all beneficial uses of the water, which include fisheries, water-based recreation, and public water supplies.

Wildlife and Fish objective (Plan, II-5): Restore selected, presently degraded fish habitat through habitat improvement projects designed to achieve stated objectives...

#### Management Area M2 (Riparian Area)

Wildlife and Fish goal (Plan, III-69): ... Construct new structures to improve or restore degraded habitat.

Water and Soil goal (Plan, III-70): Conduct watershed and stream improvements that will:

- (1) Enhance riparian and water resources.
- (2) Rehabilitate and/or mitigate the adverse effects of fire, flood, and other natural or management related causes.

Wildlife and Fish standard 5.j. (Plan, II-24): Cooperate with Idaho Fish and Game, Indian Tribes, and other agencies in the management of wildlife and fish habitat.

#### **Project Design / Environmental Mitigation**

The project will be a cooperative effort between the Idaho Department of Fish and Game (IDFG) and the Nez Perce-Clearwater National Forests (Forests) to construct approximately 12 Post Assisted Log Structures (PALS) within the wetted channel (approximately 40-80% of the bankfull channel width) of the East Fork Potlatch River, approximately a half mile upstream from its mouth. Equipment used to construct the LWD/PALS structures includes a hydraulic post-driver, chainsaws, small winches, an ATV with trailer, and various hand-tools such as pick bars, shovels, and come-alongs.

PALS are pieces of large woody debris and smaller woody debris hand-placed into the stream channel and anchored by wooden fence posts driven into the streambed with a hydraulic post-driver. The structures extend at a downstream angle and, depending on existing habitat and geomorphic conditions, will be located 65-70 feet apart (with some greater distances between clusters of structures). Each structure will include two or three sections of green tree trunks, each 6-10 feet in length and 4-20 inches in diameter, held in place by five to ten tapered and pointed fence posts, each 5-6 foot in length and 3-5 inches in diameter. Approximately 20-30 native conifers will be felled to construct the PALS structures, with many or all of the trees being harvested from the outer-most upland portions of the 300-foot default RHCA of the East Fork. The trees will be individually selected (in consultation with Forest Service specialists) to eliminate potential adverse effects on Riparian Management Objectives, as well as any special status plant or animal species or their habitat. The fence posts will be untreated lodgepole pine brought in from off-site.

Materials and equipment will either be hand-carried from a staging area on the north and/or south side of the river (via a user-created trail on the north side of the river or transported using the ATV/trailer on the existing historic road/berm on the south side of the river) or will be

winched to or into the stream channel and then hand-carried or floated to each PALS site. Deadfall may be removed along both routes to allow for foot travel or ATV use, but the deadfall will be replaced/augmented upon project completion to discourage future use of the routes by motorized vehicles.

Access to the north staging area will be on Forest Service Road (FSR) 3227, which is gated and closed to public use because the road has washed out beyond the project/staging area. Road maintenance or repair will not be necessary prior to or post project completion as access to the staging area will be by foot. Alternately, a south staging area could be located near the downstream end of the project area where IDFG has operated a steelhead trap and weir site. IDFG accesses the site (with the land owners consent) via a primitive road on private land, and IDFG is seeking further permissions for use of the road specifically for this project. The north staging area (entirely on NFS land) will be the primary access location.

Work will follow the terms and conditions associated with the Stream Habitat Improvement Programmatic per consultation with the National Marine Fisheries Service. Permits required for disturbance of water or wetlands (e.g. Army Corps of Engineers 404 permit, Idaho Department of Water Resources Stream Alteration Permit) will be obtained prior to initiating work.

Design Criteria include the following:

- All equipment and vehicles will be thoroughly cleaned prior to entering project sites to prevent the introduction and/or spread of noxious weeds.
- Equipment (e.g. hydraulic post-driver) will not be refueled while in the stream channel.
- Equipment (e.g. hydraulic post-driver) will be clean and free of hydraulic fluid and oil leaks.
- All fuel or oil will be stored so as to limit spills to the environment.
- A spill kit will be onsite for fuel, hydraulic fluid and/or lubricant spills.
- Reseed disturbed areas, where necessary, with a native seed mix and spot spray or pull weeds.
- Structure design and installation will include measures to prevent excessive scouring of the streambank and limit the likelihood of headcutting and undermining of structures upstream.
- Location and orientation of structure relative to direction of streamflow should consider the potential effects on stream banks. Avoid directing flows toward actively eroding or sensitive streambanks.
- Felling lodgepole pine should be postponed until after August 1, if possible, to avoid potential disturbance/destruction of active nests (bird).

The project will be implemented by IDFG and Forest staff during the late summer and fall low-flow instream work window, preferably in October 2016. If preparations and permissions are not finalized for working this fall, the project would be implemented and completed in 2017. It is anticipated the work will take two to three weeks.

### III. Rationale for Decision and Reasons for Categorically Excluding the Decision

#### Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined in 36 CFR 220.6(e)(7): *Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices.*

36 CFR 220.6(e)(12): *Harvest of live trees not to exceed 70 acres, requiring no more than ½ mile of temporary road construction. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing.*

36 CFR 220.6(e)(19): *Removing and/or relocating debris and sediment following disturbance events (such as floods, hurricanes, tornados, mechanical/ engineering failures, etc.) to restore uplands, wetlands, or riparian systems to pre-disturbance conditions, to the extent practicable, such that site conditions will not impede or negatively alter natural processes.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, (5) the on-the-ground review and discussion with District resource specialists, and (6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

#### Finding of the Absence of Extraordinary Circumstances to Resource Conditions

##### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species.**

The Forest Interdisciplinary (ID) Team Botanist determined the project would have "no effect" to federally listed plant species and/or their habitats. The Botanist has also determined the project would have "no impact" to sensitive species and/or their habitats.

The ID Team Wildlife Biologist determined the project would have "no effect" to Canada lynx or its habitat. A "may adversely impact individuals or habitat" determination was made for flammulated owl, pygmy nuthatch, fisher, fringed, long-eared and long-legged myotis, gray wolf, ring-necked snake, and Western (boreal) toad. Overall, the effects from human disturbance (presence and noise) would be minor and of short duration and would not result in a loss of viability, nor cause a trend towards federal listing or a loss of species viability range wide.

The Interdisciplinary Team Fish Biologist determined the proposed actions would "likely adversely affect" steelhead trout, a federally threatened species, because the species and designated critical habitat are both located within the project area. Based on project timing and fish distribution, a "no effect" determination was made for bull trout and fall Chinook salmon. The Forest consulted with the US Fish and Wildlife Service and the National Marine Fisheries

Service, using the USFS, Region 1 (R1) "Stream Habitat Improvement Programmatic Biological Assessment", and determined that any effects would be limited, due to project timing, mitigations, and best management practices.

Western pearlshell mussel may be adversely affected during installation of the LWD structures; however project activities would not result in a loss of viability in the planning area, nor cause a trend to federal listing or a loss of species viability range wide. Long-term effects on Western pearlshell mussel habitat would be minimal to beneficial.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Fishery, Wildlife and Botany Biological Assessments and Evaluations and specialists' reports in the project record.

## **2. Floodplains, wetlands, or municipal watersheds.**

The Forest Hydrologist has determined the project would have no adverse direct or indirect effects to floodplains, wetlands, or municipal watersheds. No adverse effects to streams and no measureable increase in sediment would occur. Ground-disturbing activities would be minor, limited to hand-installation of fence posts, the use of an ATV on an existing disturbed railroad bed/roadway (from private land at south end of project) and hand dragging large woody debris (LWD) to roadway. No LWD would be removed from the RHCA and effective canopy in RHCA would not change. Closure of the access road would be assured after project activities. Any required permits (Army Corps of Engineers 404 permit, Idaho Department of Water Resources Stream Alteration Permit) for disturbance of water or wetlands would be obtained prior to initiating work.

Overall net benefits to aquatic resources, habitat and stream channel processes are expected with this project, including: increased aggradation resulting in increased planform and bedform complexity (i.e., higher sinuosity, more pools, increased sediment sorting, multiple channels). Design criteria and BMPS are included in the proposal to protect water quality and RHCAs.

No cumulative significant, adverse effects to floodplains, wetlands, or municipal watersheds are expected for this project. Any cumulative effects (if they occur) would be most noticeable at the site scale, becoming progressively less discernible at the sub-watershed, watershed, and sub-basin scales. Given the low degree of anticipated site-level effects, cumulative effects are expected to be negligible.

The proposed project is consistent with all applicable State and Federal water quality laws because project design criteria and best management practices (BMPs) have been included to protect water resources.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.**

The project is not located in a wilderness, wilderness study area or national recreation area.

**4. Inventoried Roadless areas or potential wilderness areas.**

The project is not located in a roadless area or potential wilderness area; therefore, the proposed action will have no effect on Roadless characteristics as identified in 36 CFR 294.

**5. Research Natural Areas.**

The project is not within or adjacent to any Research Natural Area.

**6. American Indians and Alaska native religious or cultural sites.**

The Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect cultural properties. As a result, a *No Inventory Decision* has been made. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

**7. Archaeological sites or historical properties or areas.**

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources

**IV. Interested and Affected Agencies, Organizations, and Persons Contacted**

On July 31, 2015, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribes. The five letters specific to the project are found in the project record. Their comments were considered in the resource analyses, and are addressed in Appendix A.

**V. Findings Required by other Laws**

Based on my review of the actions associated with this project, I find that the Lower East Fork Potlatch River Large Woody Debris Project is consistent with applicable Federal laws and regulations, including the standards and guidelines contained in the 1987 Clearwater National Forest Plan, as amended, as required by the National Forest Management Act of 1976. My decision also complies with all Federal, state or local laws or requirements for the protection of the environment and cultural resources, as follows:

**National Forest Management Act and Nez Perce National Forest Plan:** This action is consistent with the standards and guidelines contained in the 1987 Clearwater National Forest Plan, as amended, as required by the National Forest Management Act of 1976. In addition, design features and mitigation measures ensure compliance with the act.

**Forest Plan Amendment 20 - PACFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed action comply with direction regarding PACFISH (refer to the project record).

**Clean Water Act and State Water Quality Laws:** The ID Team Hydrologist has determined that this project complies with the Clean Water Act and state water quality laws, and will protect beneficial uses.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

**Migratory Bird Treaty Act:** This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**National Historic Preservation Act:** Because no cultural properties are located within the area of potential effects, the Forest Cultural Resource Specialist has made a "no historic properties affected" determination for the project per the North Idaho Programmatic Agreement. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**American Indian Treaty Rights:** The Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights. The Nez Perce Tribe did not identify any concerns.

No effects to watershed resources, fisheries, wildlife or plant resources will occur as a result of the proposed actions (see B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances). By ensuring viability of all species and protection of watershed resources, the proposed actions are consistent with treaty obligations and trust responsibilities.

**Environmental Justice:** The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities or the civil rights of any American Citizen, in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

**Energy Requirements:** There are no unusual energy requirements for implementing the proposed action.

**Other Laws or Requirements:** The proposed action is consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

#### **VI. Contact Person**

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce–Clearwater Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone to (208) 935-4260 or FAX at (208) 935-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

#### **VII. Signature of Deciding Officer**

  
STEFANI SPENCER  
Palouse District Ranger

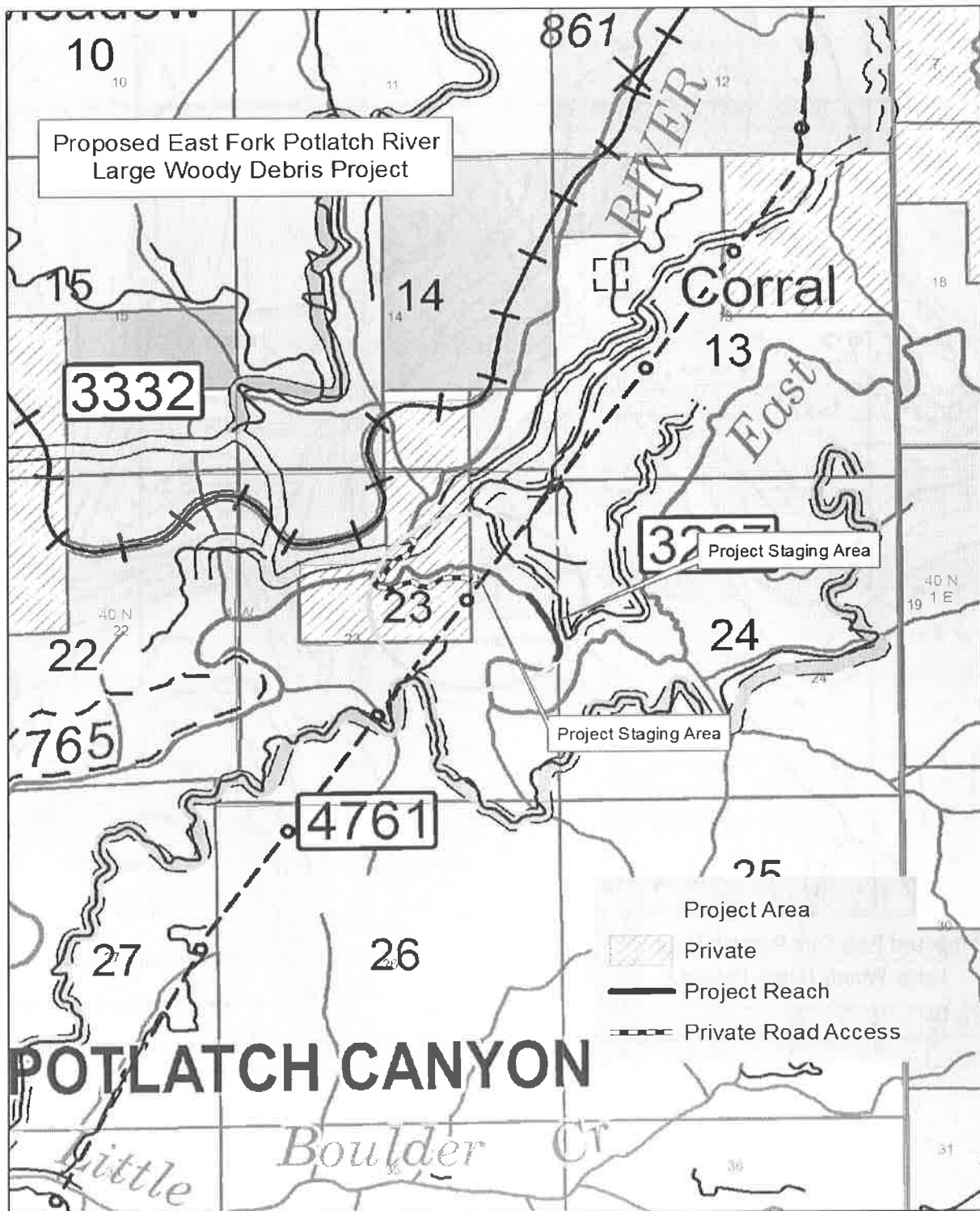
6-15-2016  
Date

cc: Dan Kenney

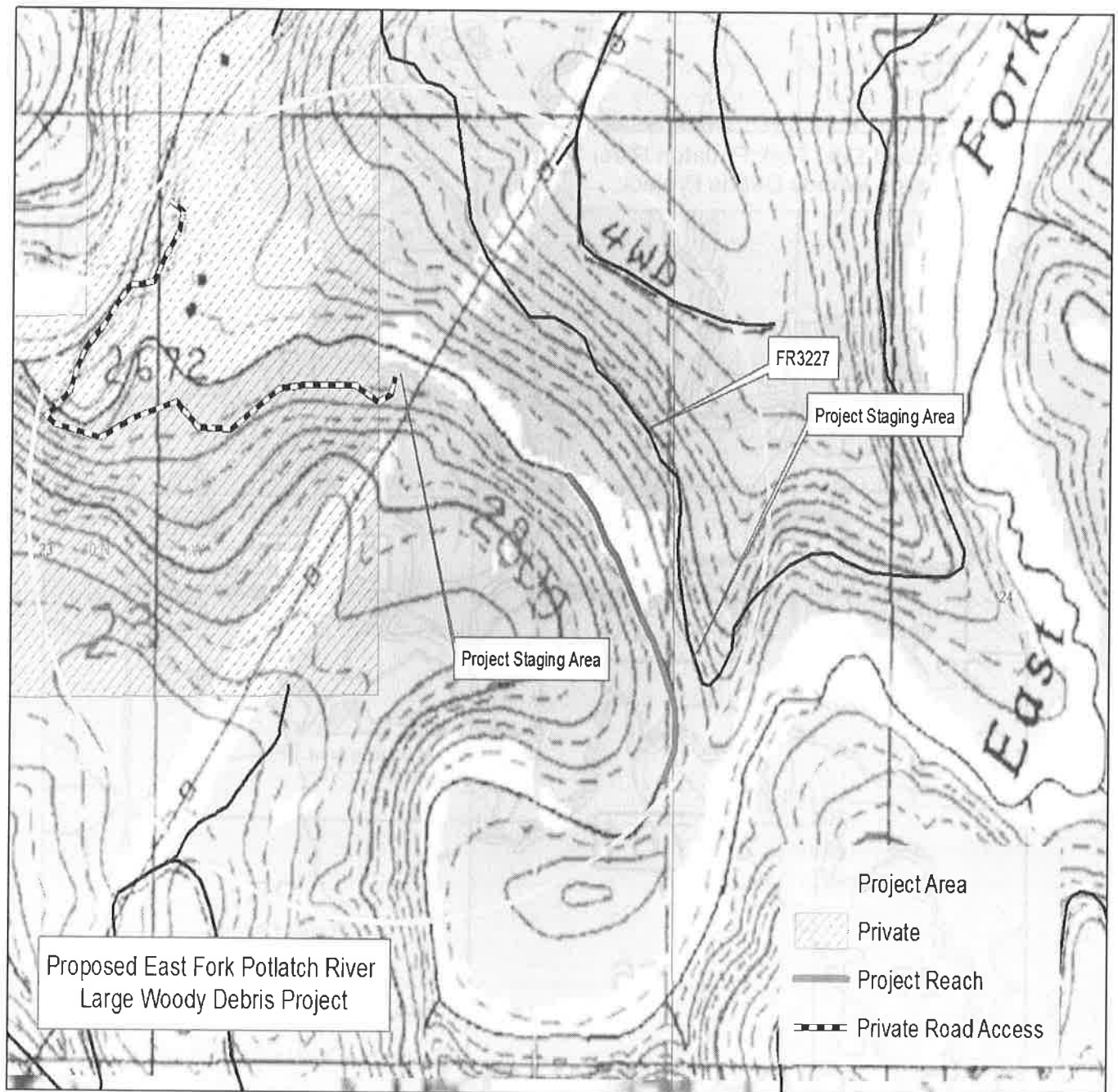
Enclosures (2): Maps



Map 1 of Lower East Fork Potlatch River Large Woody Debris Project Site



**Map 2 of Lower East Fork Potlatch River Large Woody Debris Project Site**



## Appendix A

### Analysis of Scoping Comments

#### Lower East Fork Potlatch River Large Woody Debris Project

Five letters specific to the project were received during the scoping period of July 31, 2015 to August 31, 2016. The letters were analyzed and an analysis code assigned to the comments where appropriate (see Table 1).

#### Comment Analysis Codes

- 1: Outside the scope of the proposed action.
- 2: Already decided by law, regulation, Forest Plan, or other higher level of decision.
- 3: Irrelevant to the decision to be made.
- 4: Conjectural and not supported by scientific evidence.
- 5: General comment, suggestion, opinion, or position statement.
- 6: Other agency or partner's consultation, review, advice, recommendation(s), etc.
- 7: Already considered in the proposed action or is standard procedure.
- 8: Will be included in an analysis of effects to the environment.

Codes 1 – 6 are standard codes. Comments assigned to these codes are considered to be non-significant issues. Code 7 was added as a category for those suggestions that are already proposed or for procedures that are routinely done. Code 8 was added as a category for suggestions that will be analyzed for effects to the environment.

**Table 1: Comment Analysis**

Commenter	Comment	Disposition
Rod Parks	While I support this project, I have a few concerns...	Thank you for your comment.
	Cleaning the ATV and trailer of vegetation before entering the site should be required....	7
	The user created trail ... on the north side of the river should not be used. Use only the south side of the river for access, hauling materials, etc. or haul materials by hand.	Only foot traffic would use the user-created trail. Upon project completion, deadfall and debris would be placed to discourage future use of the trail.
	Lodge pole posts are a real eye sour and do not fit in a natural environment. Please require the tops of the post be cut off at no more than 6 inches above the LWD.	The tops of the posts would be cut off as low as possible while continuing to maintain the integrity of the structure.
	Make sure the angle of the LWD is constructed [so] that it will not become a weir at high water and wash out the bank and create a new channel.	Structure design and installation includes measures to prevent excessive scouring and eroding of the streambank.
Jim McIver Lewis-Clark ATV Club Inc.	Supports the Project.	Thank you for your comment.

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Commenter	Comment	Disposition
Daniel Stewart Idaho Dept. of Env. Quality	Project activities may affect the NP-CW NF's ability to achieve flow based on pollutant allocation reduction associated with Forest land or management activities.	Thank you for your comment.
	Projects initiated after the establishment of TMDL pollutant load allocations can adversely affect water quality through a reduction in load capacity.	Thank you for your comment.
Gary Mcfarlane Friends of the Clearwater	This proposal, though intended to be an improvement, would benefit from an analysis in an EA....	The project meets all the criteria outlined in 36 CFR 220.6., therefore the use of a CE is appropriate.
	The use of vehicles on closed roads,	FSR 3227 is closed (and gated) to public use, but may be used for administrative purposes when necessary.
	cutting trees in RHCAs and skidding them[,]	The cutting of green trees for stream rehabilitation projects is consistent with PACFISH; every effort will be made when skidding trees to avoid or minimize the impacts to RHCA habitat and resources.
	section 7 ESA compliance,	7
	and a 404 permit are all serious concerns.	Permits required for disturbance of water or wetlands will be obtained prior to initiating work
Jonathan Oppenheimer and Jenna Narducci, Idaho Conservation League	We commend the efforts IDFG and USFS are taking to restore historic habitat for sensitive in-stream fish and wildlife.	Thank you for your comment.
	We agree the project will restore habitat conditions and riparian [sic] function of the Lower East Fork Potlatch River and appreciate [sic] the consideration given to ensure design features are consistent with PACFISH standards and other regulations.	Thank you for your comment.
	We encourage you to minimize ... ground disturbance with motorized vehicles, skidders, etc. and take steps to minimize the spread of invasive weed species.	7
	Where possible, the Forest Service should utilize hand labor ... to minimize disturbance.	7
	[In] areas...prone to sedimentation or erosion, weed-free straw bales should temporarily line the areas and be removed once ... the erosion hazard has been mitigated.	Appropriate erosion control / mitigation measures would be applied where necessary.
	All equipment should be washed prior to entering National Forest Lands to minimize the potential introduction and/or spread of invasive weeds.	7
	[D]isturbed areas facilitate expansion of noxious weeds and erosion, it is important all areas impacted ... be stabilized.	5, 7

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Commenter	Comment	Disposition
Jonathan Oppenheimer and Jenna Narducci, Idaho Conservation League	The Forest Service should take this opportunity to address invasive weed issues within the project area.	3
	If invasive weed treatment is needed, we recommend hand removal in and around the stream banks and riparian areas and integrated strategies elsewhere.	Disturbed areas would be reseeded, where necessary, with a native seed mix and weeds hand-pulled or spot sprayed with an herbicide appropriate for use around water sources.
	If herbicides used, only biodegradable chemical herbicides should be used. Herbicides should not be used that ... act as a bioaccumulator, resulting in fish and wildlife mortality.	
	As part of restoration...all work crews should be trained in invasive weed recognition and removal and should be asked to patrol the project area including 100' on either side of the fence line and mechanically remove weeds or microtrash.	1
	The project area should be monitored for invasive species for three years after the project is completed.	The project area, including the staging areas, would be monitored for noxious weeds and if found, measures taken for removal and control.

